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FILED

AUG 22 2008

ROBERT T. BRAITHWAITE
U.S. MAGISTRATE

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH THORN BENALLY

Defendant.

: FELONY COMPLAINT
:
:
:
:

Case No. *2:08mj-250*

VIO. 18 U.S.C. 2113(a)
BANK ROBBERY.

Before a United States Magistrate Judge for the District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT I

On or about August 20, 2008, in the Central Division of the District of Utah,

JOSEPH THORN BENALLY

the defendant herein, did by force and violence, and by intimidation, take, from the person or presence of another--an employee of Zions Bank, 717 S. River Road, St. George, Utah--money belonging to and in the care, custody, control, management, and possession of Zions Bank, the

deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

AFFIDAVIT

I, Steven B. Kleinlein, attest:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so since 1990. My current assignment includes investigating violations of Title 18, United States Code, Section 2113, relating to Bank Robbery. The information contained in this affidavit is from personal knowledge and from my communications with other Agents of the FBI, St. George Police Department (SGPD) Officers and Detectives, and other persons named in this affidavit.

2. On August 20, 2008, FBI Agents and Officers and Detectives from the SGPD responded to a bank robbery at Zions Bank, 717 S. River Road, St. George, Utah.

3. On August 20, 2008, I interviewed Jennie VanStaden, a Zions Bank teller who had been robbed. VanStaden told me that earlier that morning, an American Indian male, ("the robber"), entered the bank's lobby. The robber walked directly to the teller window adjacent to VanStaden. The teller at that window was busy and VanStaden asked the robber if she could help him. The robber moved to her teller window and placed a brown paper bag and a brown piece of paper containing a note on the teller counter. The note was written on what appeared to be a torn piece of a brown paper grocery bag. VanStaden looked at the note which read, "Don't panic, give me all your money." The note also contained the drawing of a peace sign. VanStaden complied with the robber's demands and placed money from her drawer on the teller counter. VanStaden provided the robber with \$20 bills, \$10 bills, \$5 bills, \$2 bills, \$1 bills. The \$2 bills were held together with a black and silver binder clip, with a deposit slip on which was written the total amount of \$2 bills, \$126. The robber took the money, turned and left the bank.

VanStaden described the robber as an American Indian male, approximately 32-35 years old, with long brown hair which extended below his shoulders. The robber wore a plain white t-shirt, black pants and white tennis shoes with a design. The robber wore plastic-framed sunglasses. The frames of the sunglasses contained a turtle shell design.

4. On August 20, 2008, Special Agent Tracey Thompson interviewed Justin Swift, a teller supervisor at Zions Bank. Swift told SA Thompson that he saw an American Indian male run from the lobby of the bank and into the parking lot. As soon as the male left the bank lobby, Swift learned that the bank had been robbed. He immediately went to an office in the bank with a view of the parking lot. Swift saw the robber drive off in a white, four door, Chevrolet Cavalier. Swift observed the car travel from the parking lot, northbound onto River Road and enter the left turn lane of River Road at 700 South.

5. On August 20, 2008, Lt. Scott Staheli, SGPD circulated in the area surrounding the location of Zions Bank. Lt. Staheli observed a man fitting the description of the robber sitting in front of the apartments located on 600 South between 1000 East and 1100 East. Lt. Staheli made contact with the man and compared his likeness to that contained in Zions Bank surveillance video. Lt. Staheli believed the man to be the robber and detained him.

6. On August 20, 2008, at 1:15pm, Captain Barry Golding, SGPD, placed the man, identified as Joseph Thorn Benally, under arrest and transported him to the St. George Police Department.

7. On August 20, 2008, Captain Golding and I interviewed Joseph Benally. Benally told me that he was having financial problems, and that he had no money and no job. Benally said he resides at 1063 East 600 South #4, St. George, Utah. Benally said he left the house early the same morning and had driven to various places he considered robbing. Benally said he drove his

white Chevrolet Cavalier from his apartment to Zions Bank located on River Road and entered the bank. He entered the bank and went straight to a teller window, but the teller was busy. The teller at the window next to him asked if she could help. Benally gave the teller a note written on a brown piece of paper and a brown paper bag. The note read, "Please do not panic. Don't make a stupid move. Put all your cash in here." Benally had drawn a peace sign on the note. The teller gave him the money and he left the bank. Benally returned to his apartment where he threw the money into the house. Benally's son, Sheldon Benally, was present at the house. He then went and sat outside near his house and watched the police drive by his house numerous times until he was arrested.

8. During the interview of Benally, I observed him to be wearing a plain white t-shirt, black pants, white tennis shoes with a black Nike Swoosh. I compared the surveillance video of the robber to Benally and believed Benally to be the robber. I also observed Benally to have in his possession brown framed sunglasses, which frames contained a design consistent with VanStaden's description.


9. On August 20, 2008, Captain Golding and I interviewed Sheldon Benally at the St. George Police Department. Sheldon told me that he was at home earlier the same morning when his father, Joseph Benally, left the house saying he was going to rob a bank. Sheldon did not believe his father, until he returned a few minutes later. Joseph Benally brought cash and gave it to Sheldon. Joseph said, "I love you" and "go to school" and left. Sheldon did not know what to do with the money. Sheldon and his brother Kim Eccles drove around St. George in their vehicle considering what to do with the money. They ultimately put the money in a white sock and hid it underneath a rock under a bridge on Dixie Drive close to the Sun Brook golf course in St. George.

10. On August 20, 2008, I located a white sock hidden under a rock under a bridge located at approximately 100 South on Dixie Drive. The sock contained \$689, which included \$20 bills, \$10 bills, \$5 bills, 2\$ bills and 1\$ bills. The money included \$126 in \$2 bills. The money was held together with a black and silver binder clip.

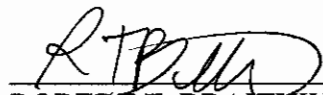
11. On August 20, 2008, Connie Stewart told SA Thompson that Zions Bank is insured by the Federal Deposit Insurance Corporation, and that the loss to the bank as a result of the robbery was \$851.

12. Based on the foregoing, I believe that Joseph Thorn Benally, American Indian male, birth date of September 3, 1955, Social Security #523-86-9650, has committed the offense of Bank Robbery in violation of Title 18, United States Code, Section 2113(a).

DATED this 21 day of August, 2008.


STEVEN B. KLEINLEIN
Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN TO BEFORE ME this 21 day of August, 2008.


ROBERT T. BRAITHWAITE
United States Magistrate Judge
United States District Court

APPROVED:

BRETT L. TOLMAN
United States Attorney



PAUL KOHLER
Assistant United States Attorney